

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROBERT PICKNEY,**  
**Plaintiff,**

**v.**

**MODIS, INC. and the CITY OF  
PHILADELPHIA**  
**Defendants.**

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**CIVIL ACTION**

**No. 22-1822**

**ORDER**

**AND NOW**, on this **13th** day of **December 2022**, upon consideration of Defendant Modis, Inc.'s Partial Motion to Dismiss Plaintiff Robert Pickney's First Amended Complaint in Part (ECF 12), Plaintiff's Opposition (ECF 18), and Modis's Reply (ECF 21), and Defendant City of Philadelphia's Motion to Dismiss (ECF 9), and Plaintiff's Opposition (ECF 17), and consistent with the accompanying Memorandum of Law, it is **ORDERED** that:

1. Modis's Motion (ECF 12) is **GRANTED** and Pickney's claims against Modis are **DISMISSED**. Pickney may amend its claims against Modis and file a Second Amended Complaint consistent with the Memorandum **no later than Thursday, January 5, 2023** and;
2. The City of Philadelphia's Motion is **DENIED**.

**BY THE COURT:**



**Berle M. Schiller, J.**